

REMARKS

This Amendment is submitted in response to the Office Action dated December 5, 2003, having a shortened statutory period set to expire March 5, 2004. In the present Amendment, Claims 1, 6, 11, 16 and 21 are amended and Claims 23-24 are added. Claims 1-9 and 11-24 are now pending.

Applicants note with appreciation that Claim 22 has been allowed. New Claims 23 and 24 incorporate the allowed features of Claim 22 in respective method and computer program product claims, and thus should also be allowed.

REJECTIONS UNDER 35 U.S.C. § 102 and 103

In paragraph 4 of the present office action, the Examiner has rejected Claims 1, 6, 11, 16 and 21 under 35 U.S.C. § 102(e) as being anticipated by Voigt et al. (U.S. Patent No. 6,055,604 – “Voigt”). In paragraph 6 of the present office action, the Examiner has rejected Claims 2, 7, 12 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Voigt in view of Blumenau (U.S. Patent No. 6,151,665 – “Blumenau”). In paragraph 7 of the present office action, the Examiner has rejected Claims 1, 6, 11, 16 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ohran (U.S. Patent No. 6,397,307 B2 – “Ohran”) in view of Burkes et al. (U.S. Patent No. 5,542,065 – “Burkes”). In paragraph 8 of the present office action, the Examiner has rejected Claims 2, 7, 12 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Ohran in view of Burkes and further in view of Blumenau. Applicants respectfully traverse these rejections.

With regards to exemplary Claim 1, the cited prior art does not teach or suggest “detecting a memory exhaustion condition in said first region of physical memory while said second region of physical memory is mirroring at least part of said first region” and then responsively “deactivating memory mirroring between said first and second regions” in order to augment “said first region with at least part of said second region, such that said memory exhaustion condition is eliminated.” That is, the cited prior art does not teach or suggest reallocating space in a second region of physical memory, which space was being used to mirror data in the first region, to expand the storage capacity of the memory.

With regards to the Section 102 rejections, *Voigt* teaches two NVRAMs 21, which are mirror (each being a backup of the other) copies of transaction logs. When a page of the log reaches a page-full status, then the page is stored to a disk log on a disk in a RAID (*Voigt* col. 2, lines 3-11). The disk log (or the disk itself) does not mirror the transaction log. Periodically storing a copy of a file (transaction log) to another location (disk log) is not mirroring. As defined in the "IBM Dictionary of Computing," the term "mirroring" means "the process of writing the same data to two disk units within the same auxiliary storage pool at the same time" (copy attached, emphasis added). There is no teaching or suggestion in *Voigt* that the disk log mirrors the transaction log, and thus there is no teaching or suggestion that "said second region of physical memory is mirroring at least part of said first region" of physical memory. Therefore, the Section 102 rejections should be withdrawn.

With regards to the Section 103 rejections, *Ohran* teaches RAID Level 1 disk mirroring. *Burkes* teaches converting space on a disk used for another RAID Level (such as use for a parity bit in a RAID Level 5 system) to one used for mirroring (RAID Level 1). There is no teaching or suggestion of a physical memory overflowing and commandeering space previously used by its mirror copy. That is, there is no teaching or suggestion of "deactivating memory mirroring" in the second region and "augmenting said first region with at least part of said second region." Thus, the Section 103 rejections should be withdrawn.

CONCLUSION

As the cited prior art does not teach or suggest all of the limitations of all pending claims, Applicants respectfully request a Notice of Allowance for all pending claims.

The present amendment adds two new independent claims, for which a fee of \$168.00 is due. Please charge this fee to **IBM CORPORATION Deposit Account No. 50-0563**.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION Deposit Account No. 50-0563**.

Respectfully submitted,



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